IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 16268 of 2005

Between:

Smt. Kanta Gupta W/o. Surender Gupta

..... PETITIONER

AND

1. Assistant City Planner Circle No. II,

Municipal Corporation of Hyderabad,
Sardarmahal, Charminar, Hyderabad,

2.The Commissioner, Municipal Corporation of Hyderabad,
Tank Bund, Hyderabad,

.....RESPONDENTS

Counsel for the Petitioner: MR.MOHD.ZIA-UL-HAQ

Counsel for the Respondents: MR.RAMA RAO GHANTA

The Court made the following:

ORDER:

Seeking Writ of Mandamus, declaring the action of the respondents in proposing the dispossession of the petitioner from his shop bearing No.23-6-957, situated at Shali Banda, Hyderabad, as illegal and arbitrary, the present writ petition has been filed.

2. Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondents.

3. It is stated that the petitioner is the owner of the property in question and the respondents without following due procedure prescribed under the law and without paying any compensation either by way of private negotiations or by way of initiating land acquisition proceedings, are proceeding to take away the property in utter violation of the principles of natural justice as well as Section 146 and 147 of the Hyderabad Municipal Corporation Act.

4. This Court disposed of number of writ petitions directing the respondents not to demolish the properties of private citizens without following due process of law or private negotiations.

5 . Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition, with a direction to the respondents not to demolish or take away the shop of the petitioner without following due process of law or private negotiations or initiating the proceedings under the Land Acquisition Act, 1894.

6. With the above direction, the writ petition is disposed of. No order as to costs.

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(ELIPE DHARMA RAO, J)

Date: 25.07.2005

Ksn